

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

LEO BOYKINS, III,

Petitioner,

: Case No. 1:14-cv-627

- vs -

District Judge Timothy S. Black  
Magistrate Judge Michael R. Merz

ERIC D. WILSON, Warden,  
Petersburg Federal Correctional Institution,

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Respondent.

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**ORDER GRANTING LEAVE TO PROCEED *IN FORMA PAUPERIS*;  
REPORT AND RECOMMENDATIONS**

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For good cause shown, Petitioner's Motion for Leave to Proceed *in forma pauperis* (Doc. No. 1) is GRANTED.

The Petition in this case is substantially identical to the Petition in *Boykins v. Wilson*, Case No. 3:14-cv-255. For the reasons given in the Report and Recommendations of August 7, 2014, in that case, it is respectfully recommended that the Petition in this case be dismissed without prejudice for lack of personal jurisdiction of the Respondent. Because reasonable jurists would not disagree with this conclusion, Petitioner should be denied a certificate of appealability and the Court should certify to the Sixth Circuit that any appeal would be objectively frivolous. August 7, 2014.

s/ *Michael R. Merz*  
United States Magistrate Judge

## NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).